

Appln No. 09/788,266
Amdt date June 17, 2009
Reply to Office action of March 17, 2009

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs. 4-6. These sheets, which includes Fig. 4, 5 and 6 , replaces the original sheets including Fig. 3-6. .

Attachment: Replacement Sheets
 Annotated Sheets Showing Changes

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REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested. Claims 2-20, 36, 40-44 and 48-52 are pending in the application. Claim 1 has been canceled. Claims 3, 4, 8, 9, 10-14, 16, 19, 20, 36 and 40-43 have been amended. New claims 51 and 52 have been added.

Pursuant to 37 CFR 1.178(v), no prior or concurrent proceedings exist with respect to U.S. Patent No. 5,872,516. Applicant is unaware of any additional information which is material to patentability of the claims under consideration in this Reissue Application.

The Reissue Declaration was identified as defective due its failing to identify errors in claims 36 or 44 that the claims are correcting for. Submitted herein is a Supplement Reissue Declaration in which it is indicated that claims 36 and 44, and their dependencies, are added to correct the error of claiming less than the patentee had a right to claim and to correct Applicant's Attorneys error of not fully understanding the scope of the invention. Claims 5, 9, 13, 14 and 16 and 19 have been amended to correct scrivener errors found in issued patent.

New corrected drawing for Figs. 4, 5, and 6 are attached and are labeled "Amended" as required in paragraph 2 of the Office action. Annotated drawings with red ink are also enclosed for the Examiner's convenience.

Claim 1 has been rejected under §112 and §102(b). Claim 1 has been canceled.

Claims 2-20, 36, 40-44 and 48-50 have been indicated as allowable over the prior art. It is respectfully submitted that amended claim 36 and news claims 51 and 52 are allowable over the prior art of record. Originally submitted claim 36 was rejected as obvious over U.S. Patent 3,897,753 to Lee et al. in view of U.S. Patent No. 5,265,371 to McCuistion, III et al. However, dependent claims adding the locking pin and locking pin hole were indicated as allowable if rewritten in independent format. Applicant's prior attorney, not fully understanding the scope of the invention, amended claim 36 to add the dependencies for the locking pin and locking pin hole limitations. It is respectfully submitted that this amendment was done in error and claim 36 as amended is allowable over the cited combination as discussed herein.

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Claim 36 recites an automatic pet door system comprising a casing defining a door opening, a panel movably connected to said casing within linear guiding means in the door opening, a motor attached to the casing, a cable having a first cable end attached to the motor and having a second cable end attached to the panels, a pet worn actuator, a receiver on the casing wherein the motor is selectively moving the panel in the guiding means to open the door in response to a signal received by the receiver from the actuator, and the motor having a rotatable drive shaft to which a spool is attached wherein the first cable end is attached to the spool so that the cable is wound around the spool during operation of the motor. Neither Lee et al. or McCuistion, III et al. disclose an automatic pet door system having, among other elements, a panel moveably connected to a casing within guiding means in the door opening or a motor having a rotatable drive shaft to which a spool is attached wherein the cable is wound on the spool in response to a signal from the pet worn actuator received by the receiver to wind the cable to lift the panel in the guiding means in the door opening of the casing. Lee et al. discloses a means and method for selectively controlling animals to allow for access to controlled areas having a solenoid 122 which operates based upon a signal to slide a bolt 416 to lock and unlock a pet door 421. The solenoid simply moves a bolt to lock and unlock the door. Lee et al. does not disclose the claimed panel movably connected to the casing within guiding means, a cable attached to a spool of a motor, which is wound around the spool to raise the door within the guiding means. In fact, the door in Lee et al. is hinged 430 to permit the pet to enter or leave the residence. The door is not raised by a cable attached to a spool and operated by a motor to open, but rather is moved along the hinges 430 by the animal itself. The solenoids only function is to actuate the locking bolt 416.

The Examiner cited McCuistion, III et al. to provide the missing claimed limitations of the cable and spool. McCuistion, III et al. does not disclose a spool and does not open a door panel by raising it within guiding means in a casing as claimed. McCuistion, III et al. discloses a boxed shape rat trap having doors 3 on an upper surface which are hinged by hinges 22. Cables 30 are attached to latches 28 to keep the doors in place otherwise gravity would force the doors to open. In the standby mode, the latches are under the doors waiting to be unlatched. When a

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rat is sitting on top of the doors and upon eating some of the bait, a microswitch sends a signal to the solenoid which pulls a pivoting apparatus 12. The pivoting action pulls the cables to pull the latches away from the door which allows the doors to pivot open along the hinges through the weight of the rat sitting on the doors. Once the rat falls into the containment box, the pivot apparatus allows the doors to close by springs attached to the doors. Again, McCuistion, III et al. does not disclose a motor which activates a spool upon which the cable is wrapped around to lift the door as claimed. The cables in McCuistion, III et al. simply trigger a latch which allows the doors to open due to the weight of the rat sitting on the door.

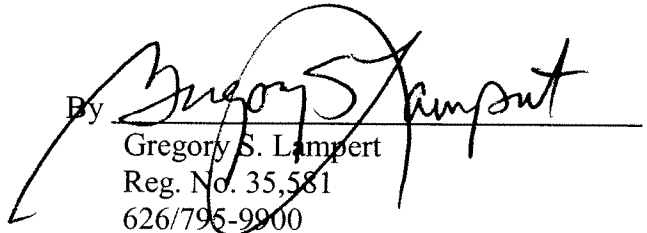
In essence, both Lee et al. and McCuistion, III et al. controls locks or latches but do not provide a motor having a spool which winds a cable to raise a door located within guiding means in the casing as claimed. Consequently, the cited references do not render the claimed invention obvious. Even if Lee et al. and McCuistion, III et al. were properly combinable, they would not result in the claimed invention. Their combination would result in a solenoid having cables to unlock a locking bolt or latches which allow doors to be opened by either gravity or the animal pushing on the door considering the door is hinged.

Consequently, it is respectfully submitted that all of the claims in the application are now in condition for allowance, and, accordingly, early indication thereof is respectfully requested.

Respectfully submitted,

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626/796-9900

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